

## **REMARKS**

### **Title**

Applicant submits herewith a new title that is indicative of the invention to which the claims are directed.

### **Response to Election Requirement**

The Examiner has imposed an election requirement under 35 U.S.C. § 121 in an Office Action mailed on March 5, 2004.

The Examiner required restriction to one of the following inventions:

- I. Claims 1-12, drawn to a semiconductor structure, classified in class 257, subclass 1+.
- II. Claims 12 (sic) - 20, drawn to a method for determining overlay, classified in class 438, subclass 14.

Applicant believes that the Examiner intended to refer to Claims 13-20 for the Group II invention.

Applicant hereby cancels, without prejudice, Group I claims, claims 1-12, drawn to a semiconductor structure, classified in class 257, subclass 1+, which had previously been withdrawn.

Applicant hereby confirms the election, with traverse, to prosecute Group II claims, claims 13-20, drawn to a method for determining overlay, classified in class 438, subclass 14.

No change in inventorship is required as a result of the above election.

Applicant believes that all claims pending, including all amended claims, are now in condition for allowance so such action is earnestly solicited at the earliest possible date.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: March 15, 2004



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George Chen  
Reg. No. 50,807

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300